

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

DAVID CASH MOORE, *et al*,

Plaintiffs,

VS.

JAMES W MOSSBARGER, *et al*,

Defendants.

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CIVIL ACTION NO. G-10-440

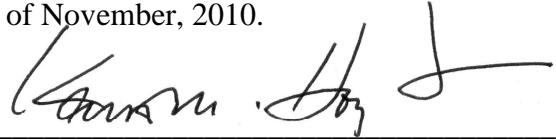
**ORDER**

Before the Court is the motion of two of the four named plaintiffs in this cause, requesting that all plaintiffs be allowed to proceed in their different causes of action against the defendants by filing one filing fee, only. (Doc. # 19). The plaintiffs premise their motion on Rule 20 of the Federal Rules of Civil Procedure, which they construe as requiring only one filing fee when multiple plaintiffs join in the same complaint.

Joinder of parties under Fed.R.Civ.P. 20 is generally encouraged in the interest of judicial economy, subject to fulfillment of two prerequisites: (1) the persons who join as plaintiffs must be interested in claims that arise out of the same occurrence; and, all the parties joined must share in common at least one question of law and fact. *See Applewhite v. Reichhold Chemical, Inc.*, 677 F.3d 571, 574 (5<sup>th</sup> Cir. 1995). The court has reviewed the claims of all defendants and finds that none of the claims arise out of the same occurrence. The trial court retains substantial discretion to deny joinder in circumstances where joinder might produce jury confusion or undue delay in resolving a case. *See e.g., Thompson v. Boggs*, 33 F.3d 847, 858 (7th Cir. 1994)(joinder denied where the alleged incidents were separated by type and years and the injury claims were separate and distinct). The plaintiffs' claims are separate and distinct. Any effort to treat the claims as one would be utterly confusing, if not impossible, and would cause undue burden on

the court. As such, the claims shall be treated separately. Plaintiffs' motion to consolidate the filing fees is **DENIED**.

SIGNED at Houston, Texas this 17th day of November, 2010.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge